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25259 7590 03/16/2004		EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	09/176,077	GREEN, ROBIN ARTHUR
	Examiner	Art Unit
	William L. Bashore	2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12/29/2003*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8,10,11 and 13-41* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8,10,11 and 13-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some *   c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: amendment filed 12/29/2003, to the original application

filed **October 20, 1998.**

2.   The rejection of claims 25-32 under 35 U.S.C. 112, second paragraph, as being indefinite, has been

withdrawn as necessitated by amendment.

3.   Claims 1, 10, 16-20, 33, 40 remain rejected under 35 U.S.C. 103(a) as being unpatentable over

Gramlich and Day

4.   Claims 2-8, 11, 13-15, 34-38 remain rejected under 35 U.S.C. 103(a) as being unpatentable over

Gramlich, Day, and Tran.

5.   Claims 21-24, 39, 41 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Gramlich, Day,

Tran, and Merritt.

6.   Claims 25-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gramlich, Tran, and

Merritt.

7.   Claims 1-8, 10-11, 13-41 are pending. Claims 1, 21, 25, 29, 33, and 39 are independent claims.

Claim Rejections - 35 USC § 103

8.   **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness**

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall
> not be negatived by the manner in which the invention was made.

9.   **. Claims 1, 10, 16-20, 33, 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

Gramlich, U.S. Patent No. 5,826,025 issued October 1998, in view of Day et al. (hereinafter Day), U.S.

Patent No. 6,243,722 issued June 2001 (cited in a previous action).

In regard to independent claim 1, Gramlich teaches an annotation overlay system of storing and managing a set of "annotation overlays" indicative of commentary associated with a requested source document file (Gramlich Abstract, column 2 lines 65-67 to column 3 lines 1-2, also column 3 lines 9-13; compare with claim 1 preamble *"for storing and managing a set of comments associated with a source file, comprising"*).

Gramlich teaches a Web browser which is used to request source files (source URLs) via a source message (Gramlich Figure 1, also column 2 lines 65-67 to column 3 lines 1-2, column 4 lines 42-46, 61-64). Although the original document is requested using unmodified protocols (i.e. HTTP), Gramlich does not specifically teach that the requests to the overlay sources (Figure 1 item 116) are sent using unmodified protocols. However, Day teaches a comment review system whereby comments are entered and stored separately from the original document, said comments sent utilizing a typical browser using typical protocols (Day, Abstract, Figure 6, 7, column 4 lines 18-25, column 5 lines 45-49, column 7 lines 22-38, column 8 lines 53-60; compare with claim 1 *"means for requesting the source file using unmodified standard messaging protocols"*). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Day's unmodified browser's use of sending (source) comments, to Gramlich's sending of source data to the annotation proxy (i.e. Gramlich Figure 1 items 114, 116), providing Gramlich the benefit of capitalizing on the ubiquity of (typical) web browsers (see Day column 7 lines 27-28).

Gramlich does not specifically teach a *"file review system"*, as claimed. However, Gramlich teaches that it is important that Web users be able to comment on the content of a Web document, as well as view the commentary of others, providing the claimed equivalent of a file review system (Gramlich column 1 lines 60-67; compare with claim 1 preamble *"A file review system..."*). It would have been obvious to one of ordinary skill in the art at the time of the invention to interpret Gramlich's system to be used for document review purposes, providing the benefit of critical review of published documents.

Gramlich teaches retrieving source documents in a Web browser (indicative of an HTML file) (Gramlich Abstract, column 3 lines 65-67, column 4 lines 43-50; compare with claim 1 *"means for accepting data from the source file....source file as a markup file,"*).

Gramlich teaches annotation overlay groups encapsulating annotation overlays associated with a source document file (Gramlich column 3 lines 9-13, column 11 lines 54-61; compare with claim 1 *"means for creating a comment file containing data....comments associated with the source file"*).

Gramlich teaches input and acceptance of new annotation overlays directly to one or more overlay groups. Gramlich also teaches a grouped set of overlays associated with a document. The overlay groups are updated with new contributions accordingly (Gramlich column 7 lines 35-45, column 8 lines 40-50; compare with claim 1 *"means for accepting new comments for inclusion....to correspond to the complete set of comments"*).

Gramlich teaches a source document in a Web browser (indicative of an HTML file) (Gramlich Abstract, column 3 lines 65-67, column 4 lines 43-50), as well as associated annotation overlays, said overlays also written in HTML (Gramlich column 8 lines 35-40). Gramlich also teaches an annotation overly proxy (AOP), which dynamically combines a source document with associated annotation overlays, the resulting merged document can be shown via browser by directly displaying the inserted overlay text at the insertion point within the source document (Gramlich column 11 lines 25-29, column 12 lines 34-36, column 13 lines 8-16, also Figure 5; compare with claim 1 *"means for generating a hypertext document from the markup file....the set of comments associated with the source file"*).

Gramlich teaches display of a merged hypertext document via a browser (Gramlich Abstract, column 3 lines 17-22 column 4 lines 43-47; compare with claim 1 *"means for communicating the hypertext document to a browser for display."*).

In regard to dependent claim 10, Gramlich teaches addition of an HTML tag indicative of a hypertext link at a defined subsection of the source HTML document, said hyperlink referencing an overlay file from an overlay group (Gramlich column 13 lines 1-10; compare with claim 10).

In regard to dependent claim 16, Gramlich teaches a magazine model, whereby authors submit annotations to an editor for incorporation into overlay groups, said groups restricted to subscribed members (Gramlich column 8 lines 46-54; compare with claim 16).

In regard to dependent claim 17, the limitation of defined cutoff dates and restricting comments on dates past said cutoff date, would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Gramlich, because Gramlich teaches selling subscriptions to overlay groups (in a magazine model), suggesting the use of cutoff dates and deadlines for article submission and user/author inclusion (Gramlich column 8 lines 40-54; compare with claim 17), providing a user of Gramlich the benefit of providing a periodical magazine structure.

In regard to dependent claim 18, Gramlich teaches authors contributing annotation overlays associated with sequenced insertion positions within a source document (Gramlich column 3 lines 9-13, column 8 lines 40-54, column 13 lines 1-9; compare with claim 18).

In regard to dependent claims 19-20, Gramlich teaches icons as hypertext links within a merged document (Gramlich column 13 lines 8-13; compare with claim 19).

The limitation of accumulating/displaying statistics, would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Gramlich, because Gramlich teaches selling user subscriptions to overlay groups (in a magazine model), suggesting the use of user/author statistics (i.e. subscriber lists) (Gramlich column 8 lines 40-54; compare with claim 20), providing a user of Gramlich the benefit of providing statistics for a periodical magazine structure.

In regard to independent claim 33, claim 33 incorporates substantially similar subject matter as claimed in claim 1, and is rejected along the same rationale.

In regard to dependent claim 40, claim 40 reflects the computer program product comprising computer executable instructions for performing the methods as claimed in claim 33, and is rejected along the same rationale.

10.   **Claims 2-8, 11, 13-15, 34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gramlich, and Day as applied to claims 1 and 33 above, and further in view of Tran, U.S. Patent No. 6,054,990 issued April 2000.**

In regard to dependent claim 2, Gramlich does not specifically teach representation of a source file as a linked list. However, Tran teaches insertion of annotation text into linked list objects (Tran column 15 lines 30-39; compare with claim 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Tran to Gramlich, because of Tran's taught advantage of linked lists, providing a user of Gramlich with a way to dynamically store files.

In regard to dependent claims 3-6 Gramlich teaches merging of HTML based overlays with HTML source documents (see rejection of claims 1 and 2, above), as well as displaying an icon (symbol) or hyperlink cue at the overlay insertion point within a merged document, reflective of an annotation insertion point. Gramlich also teaches addition of HTML tags within the merged document, and the hyperlink cue (tag) at said insertion point causes the overlay to appear subsequent to hyperlink activation (Gramlich column 12 lines 25-35; compare with claims 3-6).

In regard to dependent claims 7, 8, Gramlich does not specifically teach representation of a source file as a linked list. However, Tran teaches insertion of annotation text into linked list objects (Tran column 15 lines 30-39). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply

Tran to Gramlich, because of Tran's taught advantage of linked lists, providing a user of Gramlich with a way to dynamically store and manipulate objects.

In addition, Gramlich teaches insertion of HTML tags at the end of each sentence, and deletion of a pattern or range of words surrounding a pattern (Gramlich column 9 lines 20-25, column 13 lines 1-9). Compare the above with claims 7, 8.

In regard to dependent claim 11, Gramlich teaches HTML comprising various definable tags (Gramlich Abstract, column 3 lines 65-67, column 4 lines 43-50). Gramlich also teaches inserting information into a merged document at a location defined in an action field, as well as an icon at the point of insertion (Gramlich column 12 lines 32-42). Compare the above with claim 11.

In regard to dependent claims 13-15, Gramlich teaches a subset of annotation overlays associated with a document, said annotations referenced by patterns, said annotations also referenced by authors and content (Gramlich column 7 lines 35-40, column 8 lines 40-51, 54-67; compare with claims 13-15).

In regard to dependent claims 34, 35, 36, 37, 38, claims 34, 35, 36, 37, 38 incorporate substantially similar subject matter as claimed in claims 2, 3, 4, 5, 6, respectively, and are rejected along the same rationale.

11.   **Claims 21-24, 39, 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gramlich, in view of Day, and in further view of Tran, and in view of Merritt et al. (hereinafter Merritt), U.S. Patent No. 6,041,335 issued March 2000.**

In regard to independent claim 21, Gramlich teaches:

- a Web based annotation overlay system of storing and managing a set of "annotation overlays" indicative of commentary associated with a requested source document file (Gramlich Abstract, column 2 lines

65-67 to column 3 lines 1-2, also column 3 lines 9-13 compare with claim 21 preamble "*A web-based....with one or more webs of source file, comprising*").

Gramlich does not specifically teach a "*file review system*", as claimed. However, Gramlich teaches that it is important that Web users be able to comment on the content of a Web document, as well as view the commentary of others, providing the claimed equivalent of a file review system (Gramlich column 1 lines 60-67; compare with claim 21 preamble "*A file review system...*"). It would have been obvious to one of ordinary skill in the art at the time of the invention to interpret Gramlich's system to be used for document review purposes, providing the benefit of critical review of published documents.

- retrieving source documents in a Web browser (indicative of an HTML file), as well as HTML based annotation overlays associated with said source documents (Gramlich Abstract, column 3 lines 65-67, column 4 lines 43-50, column 8 lines 35-40; compare with claim 21 "*a parser to parse....associated with one or more comments.*").

- Gramlich does not specifically teach representation of a source file as a linked list. However, Tran teaches insertion of annotation text into linked list objects (Tran column 15 lines 30-39; compare with claim 21 "*a linked list of objects*"). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Tran to Day, because of Tran's taught advantage of linked lists, providing a user of Day with the benefit of dynamically storing files.

- annotation overlay groups encapsulating annotation overlays (files) associated with a source document file (Gramlich column 3 lines 9-13, column 11 lines 54-61; compare with claim 21 "*a set of comment files....updating the associated comment file*").

- input and acceptance of new annotation overlays directly to one or more overlay groups. Gramlich also teaches a grouped set of overlays associated with a document. The overlay groups are updated with new contributions accordingly, the invention utilizing CGI (Gramlich column 5 lines 12-15, column 7 lines 35-45, column 8 lines 40-50; compare with claim 21 "*common gateway interface program....updating the associated comment file*", and "*common gateway interface program code means for generating a hypertext document....the reviewer-selected source files*").

Gramlich teaches a Web browser which is used to request source files (source URLs) via a source message (Gramlich Figure 1, also column 2 lines 65-67 to column 3 lines 1-2, column 4 lines 42-46, 61-64). Although the original document is requested using unmodified protocols (i.e. HTTP), Gramlich does not specifically teach that the requests to the overlay sources (Figure 1 item 116) are sent using unmodified protocols. However, Day teaches a comment review system whereby comments are entered and stored separately from the original document, said comments sent utilizing a typical browser using typical protocols (Day, Abstract, Figure 6, 7, column 4 lines 18-25, column 5 lines 45-49, column 7 lines 22-38, column 8 lines 53-60; compare with claim 21 *"wherein said source file is selected using unmodified standard messaging protocols"*). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Day's unmodified browser's use of sending (source) comments, to Gramlich's sending of source data to the annotation proxy (i.e. Gramlich Figure 1 items 114, 116), providing Gramlich the benefit of capitalizing on the ubiquity of (typical) web browsers (see Day column 7 lines 27-28).

- a source document in a Web browser (indicative of an HTML file) (Gramlich Abstract, column 3 lines 65-67, column 4 lines 43-50), as well as associated annotation overlays, said overlays also written in HTML (Gramlich column 8 lines 35-40). Gramlich also teaches an annotation overly proxy (AOP), which dynamically combines a source document with associated annotation overlays, the resulting merged document can be shown via browser by directly displaying the inserted overlay text at the insertion point within the source document, as well as marking insertion points with hypertext cues (Gramlich column 11 lines 25-29, column 12 lines 30-36, column 13 lines 8-16, also Figure 5; compare with claim 21 *"the hypertext document including portions....by the associated comment display objects"*, and *"the hypertext document selectively including hypertext links..."*).

- input and acceptance of new annotation overlays directly to one or more overlay groups. Gramlich also teaches a grouped set of overlays associated with a document. The overlay groups are updated with new contributions accordingly, the invention utilizing CGI (Gramlich column 5 lines 12-15, column 7 lines 35-45, column 8 lines 40-50).

- Gramlich does not specifically teach providing reviewers with forms for entry of comments. However, Merritt teaches a hypertext document passed to various users, said document also incorporating comments

associated with positional icons, with reviewers commenting in a sequential fashion (Merritt Figure 3, also

column 5 lines 1-6, 64-67, column 6 lines 1-17; compare with claim 21 ".... *providing reviewers with forms for*

accepting new comments"). It would have been obvious to one of ordinary skill in the art at the time of the

invention to apply Merritt to Gramlich, because of Merritt's taught advantage of including comments within a

document, providing users of Gramlich the benefit of inspecting and commenting upon previous comments

made to a document.

- display of a merged hypertext document via a browser (Gramlich Abstract, column 3 lines 17-22

column 4 lines 43-47; compare with claim 21 "*means for communicating the hypertext document to a browser*

for display.").

In regard to dependent claim 22, Gramlich teaches merging of HTML based overlays with HTML

source documents (see rejection of claims 1 and 2, above), as well as displaying an icon (symbol) or hyperlink

cue at the overlay insertion point within a merged document, reflective of an annotation insertion point.

Gramlich also teaches addition of HTML tags within the merged document, and the hyperlink cue (tag) at said

insertion point causes the overlay to appear subsequent to hyperlink activation (Gramlich column 12 lines 25-

35; compare with claim 22).

In regard to dependent claims 23, 24, Gramlich teaches adding HTML formatted content to a merged

file, as well as HTML based source and overlay files, said HTML containing various tags and insertion

identifiers (Gramlich column 6 lines 15-23; compare with claims 23, 24). Gramlich teaches HTML comprising

various definable tags (Gramlich Abstract, column 3 lines 65-67, column 4 lines 43-50). Gramlich also teaches

inserting information into a merged document at a location defined in an action field, as well as an icon at the

point of insertion (Gramlich column 12 lines 32-42). Compare the above with claims 23, 24. The use of a linked

list of objects has been previously discussed.

In regard to independent claim 39, Gramlich teaches:

- a Web based annotation overlay system of storing and managing a set of "annotation overlays" indicative of commentary associated with a requested source document file (Gramlich Abstract, column 2 lines 65-67 to column 3 lines 1-2, also column 3 lines 9-13 compare with claim 39 preamble "*A method for storing and managing comments on a web-based....with one or more webs of source file, comprising*").

- the limitation of a "*file review system*" would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Gramlich, because Gramlich teaches that it is important that Web users be able to comment on the content of a Web document, as well as view the commentary of others (Gramlich column 1 lines 60-67; compare with claim 39 preamble "*file review system...*"), suggesting Gramlich's system can be used for document review purposes, providing the benefit of critical review of published documents.

- retrieving source documents in a Web browser (indicative of an HTML file), as well as HTML based annotation overlays associated with said source documents (Gramlich Abstract, column 3 lines 65-67, column 4 lines 43-50, column 8 lines 35-40; compare with claim 39 "*parsing a selected....associated with one or more comments.*").

- Gramlich does not specifically teach representation of a source file as a linked list. However, Tran teaches insertion of annotation text into linked list objects (Tran column 15 lines 30-39; compare with claim 39 "*a linked list of objects*"). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Tran to Gramlich, because of Tran's taught advantage of linked lists, providing a user of Gramlich with the benefit of dynamically storing files.

- annotation overlay groups encapsulating annotation overlays (files) associated with a source document file (Gramlich column 3 lines 9-13, column 11 lines 54-61; compare with claim 21 "*a set of comment files....updating the associated comment file*").

- input and acceptance of new annotation overlays directly to one or more overlay groups. Gramlich also teaches a grouped set of overlays associated with a document. The overlay groups are updated with new contributions accordingly, the invention utilizing CGI (Gramlich column 5 lines 12-15, column 7 lines 35-45, column 8 lines 40-50; compare with claim 39 "*on review request....with one of the set of source files*", and

"common gateway interface program code means for generating a hypertext document....the reviewer-selected source files").

  - a source document in a Web browser (indicative of an HTML file) (Gramlich Abstract, column 3 lines 65-67, column 4 lines 43-50), as well as associated annotation overlays, said overlays also written in HTML (Gramlich column 8 lines 35-40). Gramlich also teaches an annotation overly proxy (AOP), which dynamically combines a source document with associated annotation overlays, the resulting merged document can be shown via browser by directly displaying the inserted overlay text at the insertion point within the source document, as well as marking insertion points with hypertext cues (Gramlich column 11 lines 25-29, column 12 lines 30-36, column 13 lines 8-16, also Figure 5; compare with claim 39 *"dynamically generating a hypertext document....reviewer-selected source file"*, and *"the hypertext document including portions....the associated comment display object"*, and *"the hypertext document selectively including hypertext links..."*).

  Gramlich teaches a Web browser which is used to request source files (source URLs) via a source message (Gramlich Figure 1, also column 2 lines 65-67 to column 3 lines 1-2, column 4 lines 42-46, 61-64). Although the original document is requested using unmodified protocols (i.e. HTTP), Gramlich does not specifically teach that the requests to the overlay sources (Figure 1 item 116) are sent using unmodified protocols. However, Day teaches a comment review system whereby comments are entered and stored separately from the original document, said comments sent utilizing a typical browser using typical protocols (Day, Abstract, Figure 6, 7, column 4 lines 18-25, column 5 lines 45-49, column 7 lines 22-38, column 8 lines 53-60; compare with claim 39 *"wherein said source file is selected responsive to unmodified standard messaging protocols"*). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Day's unmodified browser's use of sending (source) comments, to Gramlich's sending of source data to the annotation proxy (i.e. Gramlich Figure 1 items 114, 116), providing Gramlich the benefit of capitalizing on the ubiquity of (typical) web browsers (see Day column 7 lines 27-28).

  - Gramlich does not specifically teach providing reviewers with forms for entry of comments. However, Merritt teaches a hypertext document passed to various users, said document also incorporating comments associated with positional icons, with reviewers commenting in a sequential fashion (Merritt Figure 3, also

column 5 lines 1-6, 64-67, column 6 lines 1-17; compare with claim 39 *".... providing reviewers with forms for accepting new comments"*). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Merritt to Gramlich, because of Merritt's taught advantage of including comments within a document, providing users of Gramlich the benefit of inspecting and commenting upon previous comments made to a document.

- input and acceptance of new annotation overlays directly to one or more overlay groups. Gramlich also teaches a grouped set of overlays associated with a document. The overlay groups are updated with new contributions accordingly, the invention utilizing CGI (Gramlich column 5 lines 12-15, column 7 lines 35-45, column 8 lines 40-50; compare with claim 39 *"the hypertext document....for accepting new comments"*).

- display of a merged hypertext document via a browser (Gramlich Abstract, column 3 lines 17-22 column 4 lines 43-47; compare with claim 39 *"communicating the hypertext document to a browser for display."*).

In regard to dependent claim 41, claim 41 reflects the computer program product comprising computer executable instructions for performing the methods as claimed in claim 39, and is rejected along the same rationale.

12.   **Claims 25-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gramlich, U.S. Patent No. 5,826,025 issued October 1998, in view of Tran, U.S. Patent No. 6,054,990 issued April 2000, and further in view of Merritt et al. (hereinafter Merritt), U.S. Patent No. 6,041,335 issued March 2000.**

In regard to independent claim 25, claim 25 reflects the article of manufacture comprising computer executable instructions for performing the methods of the system as claimed in claim 21, and in further view of the following, is rejected along the same rationale.

Gramlich teaches a Web browser which is used to request source files (source URLs) via a source message (Gramlich Figure 1, also column 2 lines 65-67 to column 3 lines 1-2, column 4 lines 42-46, 61-64; compare with claim 25 *"conventional browser requests"*).

In regard to dependent claims 26, 27, 28, claims 26, 27, 28 reflect the article of manufacture comprising computer executable instructions for performing the methods of the system as claimed in claims 22, 23, 24, and are rejected along the same rationale.

In regard to independent claim 29, claim 29 reflects the computer program product comprising computer executable instructions for performing the methods of the system as claimed in claim 21, and in further view of the following, is rejected along the same rationale.

Gramlich teaches a Web browser which is used to request source files (source URLs) via a source message (Gramlich Figure 1, also column 2 lines 65-67 to column 3 lines 1-2, column 4 lines 42-46, 61-64; compare with claim 29 *"conventional browser requests"*).

In regard to dependent claims 30, 31, 32, claims 30, 31, 32 reflect the computer program product comprising computer executable instructions for performing the methods of the system as claimed in claims 22, 23, 24, and are rejected along the same rationale.

Response to Arguments

13.   Applicant's arguments filed 12/29/2003 have been fully and carefully considered, but they are not persuasive.

Applicant argues on pages 22-23 of the amendment that Day does not qualify as prior art under 35 U.S.C. 103(c). The examiner respectfully notes that 35 U.S.C 103(c) does not apply to the instant case, since the

original filing date is prior to November 29, 1999. Although 103(c) can apply after submission of a CPA, it is

noted that submission of CPAs can no longer be made. The instant application indicates a history of RCEs,

instead. See MPEP 8th Edition, Revision 1, section 706.02(l)1.

Applicant argues on page 23, and 27-28, 30 of the amendment that Tran does not teach a link list (claim

25). The examiner notes that Gramlich is relied upon to teach retrieving hypertext source documents/objects,

comment display objects, etc. in a Web browser (indicative of an HTML file), as well as HTML based

annotation overlays associated with said "parsed" source documents. Additional support in Gramlich for parsing

can be found in Gramlich column 8 lines 18-20, and column 10 lines 60-63. What Gramlich lacks is a linked list

file. However, Tran teaches insertion of annotation text into linked list objects (Tran column 15 lines 30-39).

The examiner applies this teaching to Gramlich, providing a linked list structure for storing the various

hypertext document data (i.e. parsed elements, etc.). Gramlich and Tran are in the same general field of

endeavor, since both references deal with annotating documents.

Applicant argues on page 25 of the amendment (near top) that Gramlich does not teach including new

comments in a reviewer-defined source file and to update the associated comment file. The examiner relies upon

Gramlish to teach inputting and accepting new annotation overlays (files) directly to one or more overlay groups

(files). Gramlich also teaches a grouped set of overlays associated with a document. The overlay groups are

updated with new contributions accordingly.

Applicant argues on pages 25-26 of the amendment that Merritt does not teach providing reviewers with

forms for reviewer entry of comments. The examiner notes that Merritt teaches a hypertext document passed to

various users, said document also incorporating comments associated with positional icons, with reviewers

commenting in a sequential fashion.

Applicant argues on page 26 of the amendment that the cited references do not teach a common gateway

interface (CGI). The examiner notes that Gramlich teaches CGI.

Conclusion

14.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth

in 37 CFR 1.136(a).

     A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the

mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this

final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no

event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this

final action.

15.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to William Bashore whose telephone number is **(703) 308-5807.** The examiner can

normally be reached on Monday through Friday from 11:30 AM to 8:00 PM EST.

     If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Joseph Feild, can be reached on **(703) 305-9792.**

     Any inquiry of a general nature or relating to the status of this application should be directed to the

Group receptionist whose telephone number is **(703) 305-3900.**

16.   **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703-872-9306) (for formal/after-final communications intended for entry)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor (Receptionist).

William L. Bashore
Patent Examiner, AU 2176
March 13, 2004

JOSEPH FEILD
SUPERVISORY PATENT EXAMINER